

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

KEVIN A. ASHBY,

Civil No. 08-4552 PJS/AJB

Plaintiff,

v.

O R D E R

AUTUMN PARK INVESTMENT
COMPANY LLC, and
UNITED TOWING, INC.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Arthur J. Boylan dated September 16, 2008, all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's "Application to Proceed Without Prepayment of Fees," (Docket No. 2), is DENIED;
2. This action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DATED: October 8, 2008

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge